IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

OP.No. 9782 of 2000(M)

PETITIONER:

K.S. JACOB, S/O. ZACHARIA, BUSINESS, AGED 62 YEAS, RESIDING AT PARANICKAL HOUSE, EDAKKULAM DESOM, VADASSERIKKARA VILLAGE, RANNI.P.O.

BY ADV. SRI.GEORGE THOMAS (MEVADA).

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE EXCISE COMMISSIONER, THIRUVANANTHAPURAM.**
3. **THE EXCISE INSPECTOR, RANNI RANGE, RANNI.**
4. **KERALA STATE BEVERAGES (MANUFACTURING & MARKETING) CORPORATION LTD., THIRUVANANTHAPURAM, REP. BY ITS MANAGING DIRECTOR.**

BY GOVERNMENT PLEADER SMT. N. SUDHA DEVI.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 16/08/2007, ALONG WITH O.P. NOS. 9785/2000 & 9786/2000, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

prv.

ORDER ON C.M.P. NO. 16307/2000 IN O.P. NO. 9782/2000

DISMISSED

16/08/2007. **SD/- T.R.RAMACHANDRAN NAIR, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE INDIAN STANDARD SPECIFICATIONS IN RESPECT OF WHISKEY.

EXT.P.2: COPY OF THE CHARGE SHEET FILED BEFORE THE JFM COURT, RANNI BY THE R.3. AGAINST PETITIONER IN C.C. 408/99.

EXT.P.3: COPY OF THE MAHAZAR PREPARED BY THE R.3. IN C.C. 408/99 DTD. 21/02/1997.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

T.R.RAMACHANDRAN NAIR, J.

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O.P.Nos. 9782, 9785 & 9786 of 2000.

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Dated this the 16th day of August, 2007.

J U D G M E N T

These writ petitions have been filed seeking identical prayers namely, to declare that Rule 2 of the Foreign Liquor Rules in force as on 29.3.1996 and as amended on 5.3.1998 is unconstitutional and unenforceable. The further prayer is for a direction to respondents 1 and 2 to give direction to all the officers working under them not to proceed for violation of Rule 2 of the Foreign Liquor Rules against any person if the variation in strength of liquor is within +3% V/V as far as the variation of ethyl alcohol is concerned. It is agreed on both sides that this issue has already been decided by a Division Bench of this Court in WA.No.583/2002 and connected cases. The learned counsel for the petitioners submits that in the light of the above judgment of the Division Bench the petitioners also will be entitled for the benefit of the findings rendered in para.31 of the judgment. Their Lordships have declared that all steps taken for prosecution, by whichever authorities, are to be

discontinued. Therefore the steps for prosecution against the petitioners are to be discontinued in the light of the direction of the Division Bench.

The writ petitions are accordingly disposed of. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-